

## LICENSING HEARING

Minutes of the meeting held on 30 July 2020 commencing at 10.30 am

Present: Cllr. Esler (Chairman)

Cllrs. Layland and Raikes

Also Present	Jack Coleman	Applicant
	Debbie Roscoe	Respondent
	Mr Weatherly	Respondent
	Teresa Bloomfield	Respondent
	Cllr Carroll	SDC Councillor (part)
	David Lagzdins	Legal Advisor (SDC)
	Jessica Foley	Senior Licensing Officer (SDC)
	Charlotte Sinclair	Democratic Services Officer (SDC)
	Emilia Peters	Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr Esler be appointed Chairman of the meeting.

(Cllr Esler in the Chair)

2. Declarations of interest

There were none.

3. Report to Licensing Sub-Committee - For a New Premises Licence in respect of, Redlibbets Golf Club, West Yoke, Ash, Kent TN15 7HT

The Chairman welcomed everyone to the meeting.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a new premises license for Redlibbets Golf Club. She provided a brief overview of the application, explaining that during the consultation period 15 representations had been received from local residents. She also brought to the attention of the Hearing the supplementary agenda which revised some of the proposals with respect to allowing live music both indoors and outdoors, recorded music and anything similar to live music, recorded music or performance of dance. There were also revised location plans.

The Applicant advised that following the discussions with Environmental Protection, he had reviewed and wished to reduce the timings for the sale of alcohol, and advised that it was their intention to work with the local community. The revised plan indicated where the music would take place outside and not go on

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late into the night. The golf course would remain open to non-members on a pay and play basis.

The Legal Advisor reminded the Hearing that following the Live Music Act, as long as there was an alcohol licence in place, then the playing of live and recorded music was permitted until 11pm as long as there were limits to the number of people present. He also advised that the Hearing could consider whether the condition as agreed by the Applicant and Environmental Protection to close windows and doors, would be more appropriately applied to all activities taking place indoors rather than just the playing of live or recorded music.

The Applicant advised that in regards to alcohol timings they would be happy to change the application to reflect: Monday to Thursday 10am to 12am, Friday to Saturday 10am to 1am and Sunday 10am to 11.30pm.

Residents present took the opportunity to ask questions of the applicant, expressing their concerns at the alcohol licence going on too late. The Environmental Protection Officer advised that she had agreed with the Applicant what would be appropriate, following the licence that was already in place. She advised that there had been no substantial complaints on record regarding noise from the club house.

The Chairman requested clarification of Section H of the licensable activities, and whether this was to be amended to the same hours as agreed with Environmental Protection. The Applicant confirmed it was.

The Hearing heard from the residents present who expressed their concerns with the number of people who were drunk and disorderly leaving the golf club late at night and the disturbance this caused, as well as the additional traffic noise. The Chairman advised that although traffic noise was not a licensable activity, she requested that the Applicant may be minded to include additional signage at strategic points in the car park and at the club exit requesting Members and guests to be considerate of neighbouring residents when leaving. The Applicant advised that this would be something they could include in their policies and offered to place speed limit signs along the route. The golf club wanted to work with the local community and could also provide a direct manned telephone number for the residents to contact them on in the event of a complaint.

Members asked questions of clarification of the residents and whether noise disturbance was a long term issue occurring under previous ownership of the club. In response the resident advised that it had been a long term complaint and complaints had been made to Environmental Protection.

The Chairman requested that going forward better communication took place between the Applicant and residents, and if there was an infringement of the conditions in place then a complaint be made to Environmental Protection and the Licensing Team for investigation.

Members requested further information in regards to the outdoor refreshments and the trolley selling alcohol, and where the payment for the alcohol would be made.

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The Applicant advised that the selling of alcohol from the drinks buggy would be only during day-light hours for the users of the golf course only. Payment would be taken at the golf buggy. Following concerns raised by the residents present at the Hearing, it was suggested that additional training be provided to the golf buggy operators, regarding sales of alcohol for only the users of the golf club. The Applicant agreed to include this in the club's policies. The Applicant requested that alcohol could also be sold outside where music was permitted.

The Chairman confirmed that any fireworks displays would be limited to 12 times a year, within the marked area in the revised plan. She also queried whether Bank Holiday and New Year's Eve timings and when the playing of live or recorded music ended then all activities ended.

The Applicant requested that on a Sunday before a Bank Holiday to amend the supply of alcohol and the performance of live or recorded music to continue to 11.30pm. He confirmed that he was happy for the actual Bank Holiday to remain as the standard timings.

The Environmental Protection Officer requested the outside timings on the day before Bank Holidays to remain as agreed, with the applicant to end at 10pm to prevent any nuisance of noise.

At 11.30 am the Sub-Committee ended the Hearing and the Chairman confirmed that a decision would be made within 5 working days and provided to the parties thereafter.

THE MEETING WAS CONCLUDED AT 11.30 AM

CHAIRMAN

## LICENSING ACT 2003 - Section 23

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### Notice of determination for application premises licence

To: Jack Coleman

of: Redlibbets Golf Club, West Yoke, Ash, Kent TN15 7HT

Ref: 20/01307/LAPRE

Sevenoaks District Council being the licensing authority, on the 26 May 2020 received an application for a premises licence in respect of premises known as Redlibbets Golf Club, West Yoke, Ash, Kent TN15 7HT

On the 30 July 2020 there being valid representations which were received and had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

#### To grant the Premises Licence:

Section E: To allow the performance of live music indoors:

Monday to Thursday 10:00 to 23:30 hours

Friday to Saturday 10:00 to 00:30 hours

Sunday 10:00 to 22:00 hours

To allow the performance of live music outdoors

Monday to Thursday 10:00 to 22:00 hours

Friday to Saturday 10:00 to 22:30 hours

Sunday 10:00 to 22:00 hours

Non-standard timings To allow the performance of live music indoors on the Sunday before Bank Holidays (where the Bank Holiday falls on a Monday) 10:00 to 23:00 hours and on New Year's Eve 10:00 to 00:30 hours on New Year's Day

Section F: To allow the playing of recorded music indoors:

Monday to Thursday 10:00 to 23:30 hours

Friday to Saturday 10:00 to 00:30 hours

Sunday 10:00 to 22:00 hours

To allow the playing of recorded music outdoors

Monday to Thursday 10:00 to 22:00 hours

Friday to Saturday 10:00 to 22:30 hours

Sunday 10:00 to 22:00 hours

Non-standard timings To allow the playing of recorded music indoors on the Sunday before Bank Holidays (where the Bank Holiday falls on a Monday) 10:00 to 23:00 hours and on New Year's Eve 10:00 to 00:30 hours on New Year's Day

Section H To allow anything similar to Live music, recorded music or performance of dance indoors:

Monday to Thursday 10:00 to 23:30 hours

Friday to Saturday 10:00 to 00:30 hours

Sunday 10:00 to 22:00 hours

To allow anything similar to Live music, recorded music or performance of dance outdoors

Monday to Thursday 10:00 to 22:00 hours

Friday to Saturday 10:00 to 22:30 hours

Sunday 10:00 to 22:00 hours

Non-standard timings To allow anything similar to live music, recorded music the playing of recorded music indoors on the Sunday before Bank Holidays (where the Bank Holiday falls on a Monday) 10:00 to 23:00 hours and on New Year's Eve 10:00 to 00:30 hours on New Year's Day

Section L To allow late night refreshment indoors:

Monday to Thursday 23:00 to 23:30 hours

Friday to Saturday 23:00 to 00:30 hours

Non-standard timings To allow the provision of late night refreshment indoors New Year's Eve 23:00 to 00:30 hours on New Year's Day

Section M To allow the supply of alcohol indoors for consumption on and off the premises

Monday to Thursday 10:00 to 23:30 hours

Friday to Saturday 10:00 to 00:30 hours

Sunday 10:00 to 22:00 hours

To allow the supply of alcohol outdoors for consumption on and off the premises

Monday to Thursday 10:00 to 22:00 hours

Friday to Saturday 10:00 to 22:30 hours

Sunday 10:00 to 22:00 hours

Non-standard timings To allow the sale of alcohol indoors for consumption on and off the premises on the Sunday before Bank Holidays (where the Bank Holiday falls on a Monday) 10:00 to 23:00 hours and on New Year's Eve 10:00

to 00:30 hours on New Year's Day

Section O To allow the premises to be open to the public every day from 06:30 to 01:30 hours

**Mandatory conditions** - the following conditions will be added to the premises licence when it is issued.

### 1. The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### 2. Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula—  $P = D + (D \times V)$   
where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which

there is in force a premises licence -

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4.
- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **3. Mandatory Conditions in force from 01 October 2014**

- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for

consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

## **Operating Schedule Conditions**

- 1) All staff will undertake training on the sale of alcohol, particularly with regard to drunkenness and underage persons.
- 2) Records must be kept of all training and refresher training.
- 3) Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- 4) CCTV on the premises must be maintained and kept in good working order. Recordings will be kept for 31 days.
- 5) CCTV shall be made available to the police upon request.
- 6) The licensee and staff will ask persons who appear to be under the age of 25 years old for photographic ID only.
- 7) Photographic driving licence or passport will be accepted.
- 8) A register of refused sales shall be kept and maintained on the premises.

## **To add the conditions on the Licence as follows:**

- 1) The performance of live music, the playing of recorded music, performance of dance or anything similar to these activities outdoors shall be restricted to the area defined on the attached plan

Reasons: For the prevention of public nuisance taking into account the representations of the Environmental Protection Service

- 2) The sale of alcohol outdoors shall only be permitted:
  - a. from a golf buggy during daylight hours; or
  - b. within the area defined on the attached plan

Reasons: For the prevention of public nuisance taking into account the representations of the Environmental Protection Service

- 3) All doors and windows to be closed by 22:30 hours, except for the immediate access and egress of persons.

Reasons: For the prevention of public nuisance taking into account the representations of the Environmental Protection Service

- 4) A dedicated and manned telephone will be available for residents to contact the Club in the event of a resident's complaint

Reasons: For the prevention of public nuisance taking into account the representations of the Environmental Protection Service

- 5) Prominent, clear and legible notices to be displayed at all exits and in the car park requesting patrons to be considerate and respect local residents and by leaving the premises and the area quietly.

Reasons: For the prevention of public nuisance taking into account the representations of the neighbouring properties

- 6) Fireworks to finish by 22:00 hours apart from New Year's Eve which would be allowed until 00:30 hours on New Year's Day and would be within the designated area. Fireworks to be restricted to 12 times per year.

Reasons: For the prevention of public nuisance taking into account the representations of the Environmental Protection Service

#### Informatives:

1. The Sub-Committee notes that the Applicant has stated that the Club will control the sale of alcohol from the Golf Buggy to users of the Golf Club premises. They have also confirmed that they will provide refresher training to those who make the sales and will adapt their policies to provide this control. The Council notes that without those controls it creates a risk to disorderly conduct off the premises.
2. The Sub-Committee notes that the Applicant has offered to provide additional signs along its access to control the speed of vehicles, to address concerns of nuisance from neighbouring properties.

#### **Additional reasons for the decision:**

the Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy.

The Sub-Committee had regard to the previous licence held jointly for both Corinthians and Redlibbets Golf Club and was granting the licence in these terms only on the basis that the Applicants would not be entitled to rely on the previous licence. The Sub-Committee took into account the offers from the Applicant, as a result of discussions with Environmental Protection and during the Hearing, to reduce the hours applied for and also considered the outstanding and unresolved objections. The Sub-Committee considered the importance of supporting business in the District.

This licence granted at the Hearing is effective from the 30 July 2020.

Dated: 30 July 2020

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

Sevenoaks

Kent TN13 1GP

**Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.